

| Notice of Allowability | Application No. | Applicant(s) | |
|-------------------------------|------------------------|---------------------|--|
| | 10/774,184 | KAKUDA ET AL. | |
| | Examiner | Art Unit | |
| | Brian Nash | 3721 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed 6/13/2005.

2. The allowed claim(s) is/are 3-5,9-14 and 17-19.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/27/05
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received 6/13/2005. Applicant amended claims 3-5, 9-14, 17-18, cancelled claims 1-2, 6-8, 15-16 and added new claim 19. The pending claims are now 3-5, 9-14 and 17-19.
2. Applicant's amendments have placed the application in condition for allowance.

Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to anticipate or show in combination a fastener driving tool having a driver guide coupled to the tool body, a magazine constructed to store plural types of fasteners that vary with respect to length wherein only one type of the fasteners is stored within the magazine during a single driving operation; a pusher plate arranged and constructed to individually feed each of the fasteners into a driving channel and a detection recess formed in the fastener driving channel in a position not opposing a head of the corresponding fastener that has been fed into the driving channel.

With respect to claims 3 and 9; and wherein the detection recess is disposed at a position, spaced in a direction opposite to the fastener driving direction, away from the head of the corresponding fastener when the end of the corresponding fastener fed into the fastener driving channel contacts a workpiece during the driving operation.

With respect to claim 14; and a detection member having a front end contact portion in contact with at least one fastener stored in the magazine so that the front end of the detection member engages the detection recess when no fastener exists within the magazine and the fastener driving channel and wherein the pusher plate is a separate component from the detection member.

With respect to claim 17; and an impact prevention device arranged and constructed to prevent application of the impact to a detecting member by the driver after the last corresponding fastener is driven out from the fastener driving channel; an engaging member coupled to a trigger so that the engaging member moves together with the trigger when operated; and wherein the impact prevention device comprises a cam mechanism provided between the detection member and the engaging member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467.

The official fax number for this Group is: 571-273-8300

Brian Nash
8/31/2005



SCOTT A. SMITH
PRIMARY EXAMINER